IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Crl.Rev.Pet.No. 933 of 2007()

CRA.269/2006 of ADDL. DISTRICT & SESSIONS COURT (ADHOC II), THODUPUZHA

CC.886/2005 of JUDL. MAGI. OF FIRST CLASS-I (FOREST OFFENCES), THODUPUZHA

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REVN. PETITIONER: APPELLANT/1ST ACCUSED

A.J.TOJO, S/O JOHN,
ALACKAL HOUSE, VANNAPPURAM P.O.,
THODUPUZHA.

BY ADV. SRI.S.SREEKUMAR

RESPONDENTS: RESPONDENT/COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. DR.P.REVI,
SUNIL NURSING HOME,
UDUMBANNOOR P.O.,THODUPUZHA.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 933 OF 2007

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Dated this the 1st day of March 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to pay a compensation of Rs.15,000/- and in default to undergo simple imprisonment for two months.

2. The counsel for the revision petitioner has only sought for time to make the payment. The counsel for the revision petitioner pleaded for reducing the amount of compensation. The cheque amount is Rs.8,700/-. I find that there is no justification for reducing the compensation without hearing the respondent/complainant. The court below has imposed the compensation under section 357(3) Cr.P.C without imposing any substantial sentence which is not contemplated under section 357 (3) Cr.P.C. It is submitted that the revision petitioner/accused is too poor to raise the amount. In the circumstances, the revision petitioner is granted four months time from today onwards to

make the payment. The revision petitioner shall appear before Judicial First Class Magistrate, Thodupuzha on **30.06.2007** to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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